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14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 MR. FRANKLIN PAULUS,)
17 Plaintiff,) Case No. 2:11-cv-00903-GMN-VCF
18 v.) MOTION FOR EXTENSION OF TIME
19) (First Request)
20)
21 UNITED STATES DEPARTMENT OF)
22 EDUCATION, et al.,)
23)
24 Defendants.)
25)
26)

16 COMES NOW Defendant, United States Department of Education,
17 by and through Daniel G. Bogden, United States Attorney for the
18 District of Nevada, and Carlos A. Gonzalez, Assistant United
19 States Attorney, and respectfully moves for a thirty (30) day
20 extension of time to and including February 29, 2012, in which to
21 file a responsive pleading to Plaintiffs' Complaint.

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In support of this request for an extension of time, Defendants rely upon the Memorandum of Points and Authorities set forth below.

DATED this 30TH day of January 2012.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ CARLOS A. GONZALEZ
Carlos A. Gonzalez
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL BACKGROUND

Plaintiff filed his complaint on or around June 6, 2011. The summons and complaint were served on the United States Attorney's Office on November 29, 2011.

The due date for the Defendant of Education filing of a responsive pleading is January 30, 2011.

II. ARGUMENT

The Federal Rules of Civil Procedure provide for an enlargement of time for cause shown.

When an act may or must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires

Fed. R. Civ. P., Rule 6(b).

This request is made prior to the expiration of time permitted to respond to Plaintiff's Complaint.

Presently, the Department of Education's responsive pleading to the complaint is near completion. However, some of the exhibits needed to document defendants assertions are in the process of being redacted and forwarded to undersigned counsel for its inclusion in the defendant's responsive pleading.

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1 **III. CONCLUSION**

2 Therefore, the Defendant respectfully request that this
3 honorable Court grant an additional thirty (30) day extension of
4 time, up to and including February 29, 2011, to respond to
5 Plaintiff's Complaint.

6 DATED this 30th day of January 2012.

7 Respectfully submitted,
8 Daniel G. BOGDEN
United States Attorney

9 //S/ CARLOS A. GONZALEZ
10 CARLOS A. GONZALEZ
Assistant United States Attorney

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12 IT IS SO ORDERED:

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15 UNITED STATES MAGISTRATE JUDGE
16 DATE: 1-31-12 _____
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